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TO RUEHC/SECSTATE WASHDC 7625

INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE

RUEAWJB/DEPT OF JUSTICE WASHDC

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UNCLAS SECTION 01 OF 14 LUSAKA 000075

SIPDIS

PASS TO DOL/ILAB FOR LEYLA STROTKAMP, RACHEL RIGBY AND TINA MCCARTER, STATE FOR DRL/ILCSR SMORGAN AND TDANG, G/TIP LCDEBACA, AND AF/S LAYLWARD

E.O. 12958: N/A

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SUBJECT: ZAMBIA: CHILD LABOR COMMON WITH SOME FORCED LABOR
-- BUT INFORMATION SCARCE

REF: A. STATE 131997

[1B.](#) 08 LUSAKA 573

[1C.](#) 09 LUSAKA 0032

SUMMARY

[¶1.](#) (U) This cable responds to ref A request for information on the use of forced labor and/or exploitative child labor in the production of goods per the Trafficking Victims Protection Reauthorization Act (TVPRA). It describes exploitative and hazardous child labor for Zambia per the Trade and Development Act (TDA). Although monitoring is difficult and information is limited, child labor appears to be somewhat common in Zambia and occurs mainly in smallholder farming and sharecropping, small-scale mining and quarrying, and in service industries. Information on forced labor remains scarce and inconclusive. It is unclear whether this labor endangers the children or prevents them from attending school. Although it occurs, forced labor is not linked to the production of any particular good.

[¶2.](#) (U) Following passage of the 2008 Anti-Human Trafficking Act and 2009 National Plan of Action against Human Trafficking, Zambia has taken concrete steps to combat human trafficking, including trafficking of children for forced labor. Similarly, the Zambian government finalized a draft Child Labor Policy, launched a National Plan of Action for the Youth to help eliminate the worst forms of child labor, and worked with the International Labor Organization (ILO) on a "Time Bound" Program to promote child labor awareness to prevent child labor. Still, limited resources remain a stumbling block to progress. End Summary.

TASKING 1/TVPRA

[¶3.](#) (U) The following goods meet USDOL's definition of goods produced using forced labor and/or exploitative child labor. Goods are listed in the same narrative by sector because they generally vary by type of production rather than by good.

1A. Good: Smallholder farming and sharecropping

1B. Type of exploitation: Exploitative child labor

1C. Sources of information/years: Interviews conducted in 2010 with representatives from the International Labor Organization (ILO), UNICEF, Zambia Federation of Employers, Zambia Chamber of Mines, Federation of Small Scale Mining Association of Zambia, and Gemstones and Allied Workers Union

of Zambia; 2005 Central Statistical Office Labor Force Survey; 2009 ILO/UNICEF/World Bank report "Understanding Children's Work in Zambia: An Inter Agency Research Cooperation Project"; 2008 ILO-IPEC working papers 1 and 2 of the "Handbook for District Child Labor Committees: Zambia Time Bound Program (TBP) Project Community Action"; 2008 UNICEF report "Zambia: Situation Analysis of Children and Women"; 2009 UNICEF Zambia report "We Can Do It: Accelerated Child Survival and Development in Zambia"; 2007-11 ILO Zambia report on the Decent Work Country Program; 2008 ILO report, "Investigating forced Labor and trafficking: Do they exist in Zambia? Special Action Program to Combat Forced Labor"; 2007 ILO-IPEC report, "The Nature and Extent of Child Trafficking in Zambia: A Working Paper"; January 2010 ILO/Zambia Federation of Employers report, "Dissemination Workshop on the Impact of the Global Economic Crisis on Business and Employment in Zambia."

1D. Narrative description: Sources listed in paragraph 3, section 1C indicated that child labor is used by smallholder farmers and sharecroppers to produce tobacco, maize, cotton, coffee, tea, and charcoal; raise livestock; and fishing. Estimates of the extent of the problem are unknown, and information on the prevalence of child labor in these goods is limited. Although the sources indicated that child labor occurs most frequently in growing cotton, tobacco, and maize, they have so far failed to provide specifics. ILO estimated that almost 96 percent of economically active children work in agriculture, and the ILO and other sources indicated that it occurs throughout Zambia. They stated that children work for their families or non-family members on farms or as sharecroppers. They noted that many children working for

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their families worked in environments that harmed their health or development, prejudicing their attendance at school. Family obligations supersede debt arrangements. Most work for parents, although orphans and other children work for other relatives. Boys and girls perform a variety of work up to age 18, including plowing, sowing, weeding, harvesting, and transporting water and supplies. Children engaged in fishing face the additional risk of drowning or falling ill to water-borne diseases. In addition, children who produce charcoal operate baking ovens. Most are exposed to hazards such as fertilizers and pesticides, unsafe working environments, heavy lifting, and repetitive movements, among other worst forms of hazardous labor. Many work long hours using basic tools and no protective gear for food and/or modest remuneration.

Most operations that employ child labor sell their products in local markets. It is important to note that the Zambia Federation of Employers works with many medium- and large-scale agricultural operations to ensure that their operations are free from child labor. Moreover, not all small-scale operations use child labor. The scope of the problem will remain unknown until the ILO completes a proposed study on child labor in Zambian agriculture.

1E. Prevalence: Unknown

1F. GRZ/Industry/NGO efforts to combat: The Ministry of Labour and Social Services (MLSS) has co-sponsored the three-year, ILO-funded "Time Bound Program" with the ILO and ZFE to promote employer awareness and prevention of child labor in agriculture, livestock, fishing and other industries. The program is set to end in 2010. The MLSS also conducts labor inspections and takes action in cases of labor abuse but does not specifically conduct child labor inspections. Tobacco companies in Zambia have worked successfully to address the problem through their "End Child Labor in Tobacco" campaign. Some cotton producers, notably U.S. Dunavant Cotton, have taken steps to raise awareness of child labor in cotton production. However, sources noted that these efforts have not significantly reduced or eliminated child labor in these industries.

1A. Good: Small-scale mining and quarrying

1B. Type of exploitation: Exploitive child labor

1C. Sources of information/years: See paragraph 3, section 1C.

1D. Narrative description: Sources listed in paragraph 3, section 1C indicated that child labor is used in the legal and illegal small-scale mining of gemstones, particularly emeralds and amethysts, and of metals, including copper, lead, iron ore and zinc. Child labor is also used to quarry rock. Sources have so far failed to provide estimates of the extent of the problem but noted that it occurs throughout Zambia. They stated that most mining operations employing child labor involve scavenging and rudimentary mine drilling at abandoned mines and mining dump sites. Sources did not provide specific information on ages, gender, or ethnic backgrounds of the children. Most work for their parents based on family obligation and became involved by joining family operations established by miners laid off from their jobs. Child mine workers are exposed to hazards such as chemicals, unsafe working environments, heavy lifting, and repetitive movements, among other worst forms of hazardous labor. Many work long hours using basic tools and no protective gear for food and/or modest remuneration.

These operations typically sell gemstones to smugglers who smuggle the gems clandestinely out of the country. Metals are typically sold to foreigners who own local businesses. Quarried rock is sold in local markets. It is important to note that all medium- and large-scale mining operations are certified by the Zambia Chamber of Mines to be free of child labor and that not all small-scale operations use child labor. The scope of the problem will remain unknown until the ILO and ZFE conclude proposed studies on child labor in Zambian small-scale mining.

1E. Prevalence: Unknown

1F. GRZ/Industry/NGO efforts to combat: The Ministry of Labor and Social Services (MLSS) has co-sponsored the

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three-year, ILO-funded "Time Bound Program" with the ILO and ZFE to promote employer awareness and prevention of child labor in mining and other industries. The program is set to end in 2010. The MLSS also conducts labor inspections and takes action in cases of labor abuse but does not specifically conduct child labor inspections. In January 2009, the Zambian government (GRZ) closed operations at the Chinese Collum Coal Mine (CCCM) in Sinazongwe, Southern Province, after two fatal mine accidents caused by poor mine safety conditions. The mine reopened the next month after the mine owners complied with the required safety rules. However, sources noted that these efforts have not significantly reduced or eliminated child labor in the mining sector.

TASKING 2/TDA

14. This section responds to ref A request for information on the use of exploitive child labor in the production of goods per the Trade and Development Act (TDA). It excludes information previously submitted in ref C. According to the February 2008 study "Understanding Children's Work in Zambia" study funded by the ILO, UNICEF and the World Bank, over 1.2 million Zambian children between the ages of 5 and 14 years old, or 39 percent, engaged in economic activity. The study also estimated that an additional 156,000 children between the ages of 5 and 17 years worked in the worst forms of child labor.

15. (U) Post's responses to questions 2A-2G:

2A. Prevalence and distribution of exploitative child labor:
This occurs in prostitution, domestic service, selling goods, serving in bars, providing hospitality, working on construction sites, and begging. The GRZ's Central Statistical Office conducted a Labor Force Survey in 2008-09 and collected data on exploitative child labor. It has drafted a preliminary report that it plans to release in 2010. Until then, estimates of the prevalence of exploitative child labor in these activities remain unavailable.

2B. Laws and regulations: No new laws or regulations were enacted in the past year, and there were no improvements in the legal and regulatory framework. The Minister of Labour and Social Security (MLSS) prepared the draft Child Labour Policy and Statutory Instrument on the Hazardous Forms of Child Labour last year; these are currently under review by the Ministry of Justice. The statutory instrument will permit the GRZ to implement the provisions of the 2004 amendment of the Employment of Young Persons and Children's Act, including a list of occupations considered to be the worst forms of child labor compliant with ILO Convention 182. The list includes excavation/drilling; stone crushing; block and brick making; roofing; building; painting; tour guiding; selling/serving in bars; animal herding; fishing; working in tobacco and cotton fields; spraying pesticides; herbicides and fertilizer application; handling farm machinery; and processing in industries.

The country's legal and regulatory framework was inadequate to address exploitative child labor, and there has been little progress since 2006 to improve it. Post noted that the MLSS has been more active this year than in the past in working with the Ministry of Justice to implement at the Child Labor Policy and statutory instrument. Presently, children who are engaged in exploitative child labor can be abused by their parents or guardians by carrying out tasks that endanger their health and welfare or violate their right to attend school. For instance, the child may carry abnormally heavy loads or sell goods or beg to earn money, preventing them from attending school. Examples of indicators of an inadequate regulatory framework include instances in which children have been found working without pay because the sector in which they were working is exempted from minimum age laws. ILO noted that one of the most underreported areas of child labor involved cases in which boys were exploited as prostitutes. Social taboos on homosexuality and laws that exclusively prohibit female prostitution have left these boys particularly vulnerable to child labor abuses.

The 2002 Poverty Reduction Strategy Paper (PRSP), the 2005-10 Fifth National Development Plan (FNDP), and the 2006 National

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Employment and Labor Market Policy (NELMP) address child labor issues. The PRSP aims to improve access to and quality of education for children at all levels. The FNDP calls for the eradication of the worst forms of child labor through various measures such as awareness raising, legislative reform, and better information for targeting. The NELMP makes specific reference to child labor, proposing interventions for eliminating child labor in agriculture, education and health. It further emphasizes the provision of education and skills to children and young persons in order to prepare them for decent, productive work.

The GRZ's National Child Policy (NCP) is a framework that provides core guidelines for improving the welfare and quality of life of children and for protecting their survival and developmental rights. The NCP aims to consolidate all existing and proposed legislation into one comprehensive statute, and to update laws and incorporate the provisions of UN Convention on the Rights of the Child.

The government's National Youth Policy (NYP) is a framework that provides core guidelines to coordinate, monitor, and evaluate extracurricular youth activities that serve as alternatives to work. Last year the GRZ launched the National Plan of Action for the Youth to implement the NYP and eliminate the worst forms of child labor. The NPA specifies priority interventions and supports improved coordination of interventions against worst forms.

2C. Institutions and mechanisms for enforcement:

2C, Section I: Hazardous child labor

11. What agencies were responsible for the enforcement of laws relating to hazardous child/forced child labor?

The Ministry of Labor and Social Security (MLSS) is the primary government agency responsible for the implementation and enforcement of child labor laws and regulations. Other agencies and units responsible for enforcing laws related to hazardous child labor include:

-- Ministry of Labor and Social Security (MLSS) Child Labour Unit;
-- Joint ZPS and Ministry of Youth, Sport and Child Development (MSYCD) Child Protection Unit;
-- Zambia Police Service (ZPS) Victim Support Unit (VSU);
-- Ministry of Justice;
-- Ministry of Community Development and Social Services (MCDSS) Child Protection Unit (different from the MSYCD CPU);
-- MCDSS District Street Children Committee;
-- MSYCD Directorate of Child Affairs; and
-- Drug Enforcement Commission (DEC) (in drug-related cases).

The MLSS Child Labour Unit (CLU) works with District Child Labor Committees (DCLCs) in 16 of Zambia's 72 districts to combat child labor. The purpose of the DCLCs is to increase local awareness of child labor laws and the harmful effects of child labor as well as to mobilize communities against the worst forms of child labor. The CLU plans to establish DCLCs in all districts.

12. If multiple agencies were responsible for enforcement, were there mechanisms for exchanging information? Assess their effectiveness.

Although GRZ agencies have mechanisms to exchange information, they did not effectively do so in some cases because of overlapping responsibilities and inadequate communication channels. The CLU coordinates efforts by the MLSS and other agencies to identify and enforce child labor violations. The joint ZPS-MSYCD Child Protection Unit (CPU) coordinates efforts by police and youth and community development officials to identify and remove vulnerable children from the streets. The CPU also works with the MCDSS District Street Children Committee to place victims of child labor with families, in foster care, or in children's homes and with prosecutors from the Ministry of Justice to investigate and prosecute child labor cases. The CPU was fully operational last year but lacked adequate resources to enhance efforts to identify and remove children from child labor situations.

13. Did Zambia maintain a mechanism for making complaints about hazardous and forced child labor violations? If so,

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how many complaints were received in the reporting period?

The country does not maintain a centralized mechanism for making complaints about hazardous child labor violations. Complainants may submit complaints to any of the agencies/units listed in 2C, Section I, 1. Each of these agencies maintains a central phone number complainants may use. The VSU indicated that in 2008 it received 2,885 complaints related to defilement, neglect, desertion, and

trafficking of children. No other relevant statistics were available in the reporting period.

¶4. What amount of funding was provided to agencies responsible for inspections? Was this amount adequate? Did inspectors have sufficient office facilities, transportation, fuel, and other necessities to carry out inspections?

Last year's total MLSS budget was USD 3.7 million, or 0.001 percent of the total GRZ budget. The Ministry allocated USD 116,000 of USD 157,000 budgeted to its Child Labour Unit, a decrease from USD 191,000 in 2008. The MLSS indicated that it had inadequate funding for inspections. Inspectors lacked transportation and other resources needed to conduct regular inspections and, for the most part, focused on the formal sector, where there were few, if any, problems with child labor.

¶5. How many inspectors did the GRZ employ? Was the number of inspectors adequate?

The MLSS maintained information on labor inspectors but did not provide last year's figures. There were 60 labor inspectors nationwide as of 2008, down from 67 in 2007 due to deaths and resignations. There are no specialized child labor inspectors in Zambia; the labor inspectorate staff is responsible for all labor inspections, including child labor.

¶6. How many inspections involving child labor were carried out? If possible, please provide breakdown of complaint-driven versus random, GRZ-initiated inspections. Were inspections carried out in sectors in which children work? Was the number of inspections adequate?

The MLSS maintained information on labor inspections but has so far failed to provide last year's figures. It carried out 394 inspections in 2008. All inspections included a child labor component. Both complaint-driven and random, GRZ-initiated inspections occurred, although no specific breakdown was available. Inspections were carried out in sectors in which children work. The ILO indicated that the number of inspections was not adequate.

¶7. How many children were removed or assisted as a result of inspections? Were these children actually provided or referred for services as a result?

The ILO indicated that most children were removed from child labor situations as a result of inspections and returned to their parents. If involved, parents were counseled, and no further actions were taken against child labor violators.

¶8. How many child labor cases or "prosecutions" were opened?

The MLSS and VSU maintained information on child labor cases opened and prosecuted but have so far failed to provide last year's figures. The MLSS Child Labour Unit (CLU) does not generally refer cases of child labor for prosecution, in part because the absence of the statutory instrument that specifically defines the worst forms of child labor makes it difficult to prosecute cases. Rather than formally prosecute violations of child labor laws, the CLU has focused its efforts on educating the public and raising awareness with regard to child labor issues. When labor inspectors discovered violations of child labor laws, they typically resolved the problems through mediation and counseling. According to the VSU, of the 2,885 child-related cases opened in 2008, 171 convictions were obtained. Of these, 150 were related to child defilement, some of which may have been perpetrated against victims of exploitative child labor.

¶9. How many child labor cases were closed or resolved?

The MLSS and MCDSS maintained information on child labor cases closed or resolved but have so far failed to provide last year's figures.

¶10. How many violations were found or "convictions" reached?

The MLSS and MCDSS maintained information on violations found or "convictions" reached but have so far failed to provide last year's figures.

¶11. What is the average length of time it took to resolve child labor cases?

The MLSS and MCDSS maintained information on the average length of time it took to resolve child labor cases but have so far failed to provide last year's figures.

¶12. In cases in which violations were found, were penalties actually applied, either through fines paid or jail sentence served? Did such sentences meet penalties established in the law?

Under the Employment of Young Persons and Children's Act, the MLSS can bring charges that provide for penalties ranging from a fine to imprisonment for violations, although it has been difficult to prosecute in the absence of the pending statutory instrument. The Act also permits labor inspectors to enter family homesteads and agricultural fields to check for child labor violations.

¶13. Did the experience regarding questions 7 through 10 above reflect a commitment to combat exploitative child labor?

Although the MLSS was not forthcoming with information on its efforts to combat exploitative child labor, the ILO and Zambian Federation of Employers indicated that the Ministry is committed to fighting it. MLSS officials assured Post that they are working closely this year with the Ministry of Justice to finalize the Child Labour Policy and statutory instrument.

¶14. Did GRZ offer any training for investigators or others responsible for enforcement? If so, what (if any) impact have these trainings had?

GRZ training co-sponsored by UNICEF and Regional Legal Advisor on child trafficking was administered last year to 240 police, police prosecutors, local court justices and magistrates. The training helped raise awareness among officials who handle child labor cases. The MLSS continued to provide awareness raising and training activities for inspectors charged with enforcing child labor laws.

2C, Section II: Forced Child Labor

¶1. What agencies were responsible for the enforcement of laws relating to forced child labor?

See response in 2C, Section I, 1. In addition to exploitative child labor, GRZ agencies also enforced laws relating to forced child labor.

¶2. If multiple agencies were responsible for enforcement, were there mechanisms for exchanging information? Assess their effectiveness.

See response in 2C, Section I, 2. The Victim Support Unit (VSU) worked with other agencies to identify victims of domestic abuse, including those involved in cases of forced labor and trafficking. The VSU publicly released annual statistics on domestic abuse cases.

¶3. Did the country/territory maintain a mechanism for making complaints about forced child labor violations? If so, how many complaints were received in the reporting period?

See response in 2C, Section I, 3.

¶4. What amount of funding was provided to agencies

responsible for inspections? Was this amount adequate? Did inspectors have sufficient office facilities, transportation, fuel, and other necessities to carry out inspections?

See response in 2C, Section I, 4.

15. How many inspectors did the GRZ employ? Was the number of inspectors adequate?

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See response in 2C, Section I, 5.

16. How many inspections involving child labor were carried out? If possible, please provide breakdown of complaint-driven versus random, GRZ-initiated inspections. Were inspections carried out in sectors in which children work? Was the number of inspections adequate?

See response in 2C, Section I, 6.

17. How many children were removed/assisted as a result of inspections? Were these children actually provided or referred for services as a result?

See response in 2C, Section I, 7.

18. How many child labor cases or "prosecutions" were opened?

See response in 2C, Section I, 8.

19. How many child labor cases were closed or resolved?

See response in 2C, Section I, 9.

10. How many violations were found or "convictions" reached?

See response in 2C, Section I, 10.

11. What is the average length of time it took to resolve child labor cases?

See response in 2C, Section I, 11.

12. In cases in which violations were found, were penalties actually applied, either through fines paid or jail sentence served? Did such sentences meet penalties established in the law?

See response in 2C, Section I, 12.

13. Did the experience regarding questions 7 through 10 above reflect a commitment to combat exploitative child labor?

See response in 2C, Section I, 13.

14. Did GRZ offer any training for investigators or others responsible for enforcement? If so, what (if any) impact have these trainings had?

See response in 2C, Section I, 14.

2D. Institutional Mechanisms For Effective Enforcement- Child Trafficking, Commercial Sexual Exploitation Of Children (CSEC), Use Of Children In Illicit Activities:

2D, Section I: Child Trafficking

11. Did Zambia have agencies or personnel dedicated to enforcement of child trafficking? How many investigators/social workers/dedicated police officers did the government employ to conduct investigations? If there were no dedicated agencies or personnel, provide an estimate of the number of people who were responsible for such investigations. Was the number of investigators adequate?

The Victims Support Unit (VSU) and Ministry of Sports, Youth and Child Development (MSYCD) Child Protection Unit (CPU) are the primary GRZ organizations responsible for enforcement of child trafficking. These units work with prosecutors from the Ministry of Justice to investigate and prosecute child trafficking cases. VSU and CPU employees coordinate investigations. The VSU and CPU have so far failed to provide information regarding the number of investigators, social workers, or dedicated police officers who conduct investigations. As is the case with all GRZ entities, the VSU and CPU often lack sufficient resources such as fuel to conduct investigations. VSU is a member of the newly-formed Anti-Trafficking Secretariat and cooperates closely with international organizations such as the International Organization for Migration (IOM) on a training plan for officers. The Ministry of Home Affairs, which is the GRZ body responsible for coordinating anti-trafficking efforts in Zambia, has expressed interest in specialized investigative skills training for police and immigration.

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¶2. How much funding was provided to agencies responsible for investigating child trafficking? Was this amount adequate? Did investigators have sufficient office facilities, transportation, fuel, and other necessities to carry out investigations?

Last year's total VSU budget was USD 37,000. The total MSYCD budget was USD 5.08 million, or 0.0015 percent of the total GRZ budget. The Ministry allocated 13.5 percent of its budget, USD 685,000, to its Child Protection Unit. VSU and CPU noted that their investigators did not have sufficient office facilities, transportation, fuel, and other necessities to carry out investigations.

¶3. Did Zambia maintain a hotline or other mechanism for reporting child trafficking/CSEC/use of children in illicit activities violations? If so, how many complaints were received in the reporting period?

The country does not maintain a hotline or centralized mechanism for reporting child trafficking, CSEC, and the use of children in illicit activities violations. The IOM operates a general anti-trafficking hotline, and Post has seen posters prominently displayed at border crossings and GRZ offices. Complainants may also submit complaints to any of the agencies/units listed in 2C, Section I, 1. Each of these agencies maintains a central phone number complainants may use. Zambian officials referred 33 cases of human trafficking or potential human trafficking to IOM last year, and 26 of these cases involved children under the age of 18. No other relevant statistics were available in the reporting period. However, VSU is finalizing a policy whereby officers must collect information on trafficking as a reportable offense and report demographic data such as country of origin and age. The GRZ's Inter-Ministerial Committee on Human Trafficking is also working with IOM to improve general data collection.

¶4. How many investigations were opened in regard to child trafficking/CSEC/use of children in illicit activities? Was the number of investigations adequate?

The CPU and VSU investigations were opened in regard to child trafficking/CSEC/use of children in illicit activities, but they have so far failed to provide last year's figures. A human trafficking case recorded by the VSU in 2008 before the passage of the Anti-Human Trafficking Act was withdrawn before reaching trial. Subsequently, there have been two convictions under the Act, both related to the sale of children. Insufficient information is available to determine whether the number of investigations was adequate. The GRZ's new Anti-Trafficking Secretariat worked closely with the international community and local NGOs to operationalize its October 2009 National Plan of Action.

15. How many children were rescued as a result?

According to the Ministry of Home Affairs and VSU, the three children involved in the two convictions under the Act were rescued. In addition, three Zambian children were rescued by Zambian immigration officials who intercepted a vehicle transporting them to Namibia, where they were allegedly destined for farm labor. As a result of GRZ cooperation with the IOM, 26 children were rescued from trafficking last year.

16. How many arrests were made or other kinds of prosecutions carried out?

The GRZ secured two convictions of Zambian men who had sold their children to Tanzanian individuals. There are nine other cases pending under the 2008 Anti-Human Trafficking Act, many of which involve minors. One case was reportedly withdrawn for lack of evidence. A Namibian immigration official was charged under Zambian law with human trafficking offenses for attempting to transport four Zambian youths to Namibia, allegedly for farm labor. He was convicted under the Zambian Immigration Act but later released.

17. How many cases were closed or resolved?

Due to current lack of reliable data-collection capability, the CPU and VSU have so far failed to confirm how many cases were closed or resolved last year.

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18. How many convictions?

See response in 2D, Section I, 6.

19. Did sentences imposed meet standards established in the legal framework?

Under 2008 Anti-Human Trafficking Act, those convicted of human trafficking can receive up to 25 years to life imprisonment. Sentencing of the two individuals convicted of trafficking remained pending in the High Court at year's end. Although the Act provided prosecutors with a statutory instrument to impose sentences that meet standards established in the legal framework, they lacked necessary training. Such training is a key priority for the Ministry of Home Affairs.

10. Were sentences imposed actually served?

See response in 2D, Section I, 9.

11. What is the average length of time it takes to resolve cases of child trafficking?

The CPU and VSU have so far failed to confirm the average length of time it took to resolve cases of child trafficking last year.

12. Did the GRZ offer any training for investigators or others responsible for enforcement of child trafficking?

See response in 2C, Section I, 14.

13. If Zambia experienced armed conflict during the reporting period or in the recent past involving the use of child soldiers, what actions were taken to penalize those responsible? Were these actions adequate or meaningful given the situation?

Zambia did not experience armed conflict over the past five years, and there was no known or suspected use of child soldiers.

2D, Section II: Commercial Sex Exploitation Of Children (CSEC)

11. Did Zambia have agencies or personnel dedicated to enforcement of child CSEC activities? How many investigators/social workers/dedicated police officers did the government employ to conduct investigations? If there were no dedicated agencies or personnel, provide an estimate of the number of people who were responsible for such investigations. Was the number of investigators adequate?

See response in 2D, Section I, 1. Information on CSEC in Zambia is generally unavailable, and unless otherwise noted, the responses are the same as indicated in 2D, Section I on child trafficking.

12. How much funding was provided to agencies responsible for investigating child CSEC? Was this amount adequate? Did investigators have sufficient office facilities, transportation, fuel, and other necessities to carry out investigations?

See response in 2D, Section I, 2.

13. Did Zambia maintain a hotline or other mechanism for reporting child CSEC violations? If so, how many complaints were received in the reporting period?

See response in 2D, Section I, 3.

14. How many investigations were opened in regard to child CSEC? Was the number of investigations adequate?

See response in 2D, Section I, 4.

15. How many children were rescued as a result?

See response in 2D, Section I, 5.

16. How many arrests were made or other kinds of prosecutions carried out?

See response in 2D, Section I, 6.

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17. How many cases were closed or resolved?

See response in 2D, Section I, 7.

18. How many convictions?

See response in 2D, Section I, 8.

19. Did sentences imposed meet standards established in the legal framework?

See response in 2D, Section I, 9. The 2008 Anti-Human Trafficking Act provides penalties up to 25 years for individuals convicted of engaging in CSEC.

110. Were sentences imposed actually served?

See response in 2D, Section I, 10.

111. What is the average length of time it takes to resolve cases of child CSEC?

See response in 2D, Section I, 11.

112. Did the GRZ offer any training for investigators or others responsible for enforcement of child CSEC?

GRZ training provided to police, police prosecutors, local court justices and magistrates on child trafficking but did not specifically focus on CSEC. See also response in 2C, Section I, 14.

¶13. If Zambia experienced armed conflict during the reporting period or in the recent past involving the use of child soldiers, what actions were taken to penalize those responsible? Were these actions adequate or meaningful given the situation?

See response in 2D, Section I, 13.

2D, Section III: Use of Children in Illicit Activities

¶11. Did Zambia have agencies or personnel dedicated to enforcement of the use of children in illicit activities? How many investigators/social workers/dedicated police officers did the government employ to conduct investigations? If there were no dedicated agencies or personnel, provide an estimate of the number of people who were responsible for such investigations. Was the number of investigators adequate?

Information on the use of children in Illicit Activities in Zambia is generally unavailable, and unless otherwise noted, responses are the same as indicated in 2D, Section I on child trafficking. In addition to the agencies listed in 2D, Section I, 1, the Drug Enforcement Commission (DEC) is involved with cases dealing with narcotics trafficking. The DEC refers cases where children are involved to the Child Protection Unit to assist child victims.

¶12. How much funding was provided to agencies responsible for investigating child trafficking/CSEC/use of children in illicit activities? Was this amount adequate? Did investigators have sufficient office facilities, transportation, fuel, and other necessities to carry out investigations?

See response in 2D, Section I, 2.

¶13. Did Zambia maintain a hotline or other mechanism for reporting the use of children in illicit activities violations? If so, how many complaints were received in the reporting period?

See response in 2D, Section I, 3.

¶14. How many investigations were opened in regard to the use of children in illicit activities? Was the number of investigations adequate?

See response in 2D, Section I, 4.

¶15. How many children were rescued as a result?

See response in 2D, Section I, 5.

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¶16. How many arrests were made or other kinds of prosecutions carried out?

See response in 2D, Section I, 6.

¶17. How many cases were closed or resolved?

See response in 2D, Section I, 7.

¶18. How many convictions?

See response in 2D, Section I, 8.

¶19. Did sentences imposed meet standards established in the legal framework?

See response in 2D, Section I, 9. The 2008 Anti-Human Trafficking Act provides penalties up to 25 years for individuals convicted of using children in illicit activities.

¶10. Were sentences imposed actually served?

See response in 2D, Section I, 10.

¶11. What is the average length of time it takes to resolve cases of use of children in illicit activities?

See response in 2D, Section I, 11.

¶12. Did the GRZ offer any training for investigators or others responsible for enforcement of use of children in illicit activities?

GRZ provided training to police, police prosecutors, local court justices and magistrates on child trafficking but did not specifically focus on use of children in illicit activities. See also response in 2C, Section I, 14.

¶13. If Zambia experienced armed conflict during the reporting period or in the recent past involving the use of child soldiers, what actions were taken to penalize those responsible? Were these actions adequate or meaningful given the situation?

See response in 2D, Section I, 13.

2E. Government Policies on Child Labor:

¶1. Did the GRZ have a policy or plan that specifically addresses exploitative child labor?

Yes. Zambia has a draft Child Labor Policy under review at the Ministry of Justice. Until it is approved by Parliament, the GRZ will continue to rely on a patchwork of national plans and policy papers with specific provisions addressing exploitative child labor, including the 2002 Poverty Reduction Strategy Paper (PRSP), the 2005-10 Fifth National Development Plan (FNDP), the 2006 National Employment and Labor Market Policy (NELMP) address child labor issues, the National Child Policy (NCP), National Youth Policy (NYP), and the National Plan of Action for the Youth. See response in Section 2B.

¶2. Did Zambia incorporate exploitative child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies?

Yes. References to exploitative child labor are included in the 2002 Poverty Reduction Strategy Paper (PRSP), the Fifth National Development Plan (FNDP), and the National Employment and Labor Market Policy (NELMP). See response in Section 2B.

¶3. Did the GRZ provide funding to the plans described above?

Yes. The amount is difficult to calculate because the government breaks down budget allocations by sector rather than policy or plan. It is probable that the amount was insufficient to carry out the planned activities.

¶4. Did the government provide non-monetary support to child labor plans?

Yes. The GRZ provided non-monetary support to child labor plans and programs, including considering child labor policies, endorsing child labor plans and programs,

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coordinating agency involvement in combating child labor, and lending some administrative support to partner organizations.

¶5. Provide any additional information about the status and effectiveness of the GRZ's policies or plans during the reporting period in regard to exploitative child labor.

The effectiveness of the GRZ's exploitative child labor policies is uncertain. The GRZ has made some progress on implementing policies and programs, particularly on

finalizing the draft Child Labor Policy. The GRZ's primary partners in combating child labor, UNICEF, ILO, and the Zambia Federation of Employers, recognized that the GRZ has been supportive in joint programs such as the Time Bound Program. They noted that it has taken steps to eliminate child labor.

Nevertheless, the Central Statistical Office's 2005 Labor Force Survey indicated an estimated 1.25 million children were engaged in some form of economic activity and over 895,000 were involved in child labor. The ILO noted that this is a steep increase from earlier estimates. The 2009 Labor Force Survey due for publication this year will help determine whether the problem of child labor is increasing -- in spite of the GRZ's efforts to combat it.

16. Did the GRZ participate in any commissions or task forces regarding exploitative child labor? Was the commission active and/or effective?

No. However, the MLSS coordinated efforts to fight exploitative child labor with the ILO, UNICEF, and business organizations such as the Chamber of Mines and Zambia Federation of Employers.

17. Did the GRZ sign a bilateral, regional or international agreement to combat trafficking?

In 2005 Zambia signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the UN Protocol against the Smuggling of Migrants by Land, Sea and Air (also known as the Palermo Protocols). The GRZ codified these into domestic law by enacting the 2008 Anti-Human Trafficking Act. Following passage of the Act, the GRZ issues an Anti-Trafficking Policy and National Anti-Trafficking Plan of Action. The GRZ has not ratified bilateral agreements but observes anti-trafficking protocols established by regional organizations to which it belongs, including the African Union (AU), Southern African Development Community (SADC), and Common Market for Eastern and Southern Africa (COMESA). Because these agreements were codified into domestic law less than two years ago, it is not yet possible to determine whether they have yielded tangible improvements.

2F. Social Programs to Eliminate or Prevent Child Labor:

11. Did the GRZ implement any programs specifically to address the worst forms of child labor?

The Ministry of Community Development and Social Services (MCDSS) Child Protection Unit operates two Zambia National Service (ZNS) camps to provide skills training to street children and other victims of child labor. Last year the GRZ sent approximately 300 boys to a camp in Chipata, Eastern Province, and 100 girls to a camp in Kitwe, Copperbelt Province. After graduating from the camps, some went on to continue their academic studies under the sponsorship of the Ministry of Science, Technology and Vocational Training, while the remainder returned to their families.

The MLSS co-sponsored the three-year, ILO-funded "Time Bound Program" with the ILO and Zambia Federation of Employers to promote employer awareness and prevention of child labor.

12. Did Zambia incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social programs, such as conditional cash transfer programs or eligibility for school meals?

The MSYCD's Child Protection Unit's "Social Cash Transfer" Program co-funded by the UK Department for International Development (DFID) and CARE International provided cash transfers to up to 10,000 families in Southern Province that agreed to send their children to school in place of work.

13. Did the GRZ provide funding to the programs described above?

The ILO noted that the GRZ provided some administrative support to the "Social Cash Transfer" Program but that most of the program's costs were borne by DFID and CARE. ILO noted that the GRZ wants to increase the number of families served to 20,000 but that there was insufficient funding to fulfill this objective.

14. Did the GRZ provide non-monetary support to child labor programs?

See response in 2E, 4.

15. Provide any additional information about the status and effectiveness of the GRZ's activities during the reporting period in relation to the programs described above.

Although GRZ programs such as "Time Bound" and "Social Cash Transfer" have been moderately successful in raising awareness and addressing child labor, they have not noticeably contributed to the elimination of child labor. In addition, the government is heavily dependent on donors to continue these programs, making them unsustainable in the long term unless the GRZ increases its financial commitment. The ZFE stated that the "Time Bound Program" will end this year unless the government finds new donor support.

16. If the GRZ signed one or more bilateral, regional or international agreement/s to combat trafficking, what steps did it take to implement such agreement/s? Did the agreement/s result in tangible improvements?

See response in 2E, 7. The GRZ worked proactively with international organizations such as the IOM, UNICEF, and ILO as well as with local NGOs to implement the October 2009 National Anti-Trafficking Plan of Action. It has already secured two convictions under the 2008 Anti-Human Trafficking Act. The government committed itself under the National Plan of Action to coordinate anti-trafficking efforts with neighboring countries and in regional fora such as SADC.

2G. Continual progress:

11. Please provide an assessment of whether, overall, the government made progress in regard to combating exploitative child labor during the reporting period.

Despite good intentions, the GRZ has made little progress in regard to combating exploitative child labor during the reporting period partly due to committing inadequate resources to the problem. The sectors in which child labor is most prevalent -- smallholder farming and sharecropping, livestock raising, fishing, small-scale mining and quarrying, agriculture, domestic service, prostitution and pornography, street vending, and begging -- do not appear to have changed over the past year. Based on the limited information available, Post cannot determine whether there has been an increase or decrease from previous years in inspections/investigations, prosecutions, and convictions. Funding for child labor elimination policies and programs has remained steady but is set to decrease.

Nevertheless, the government appears to have a renewed interest implementing key policies related to child labor - the Child Labor Policy and Statutory Instrument on the Hazardous Forms of Child Labor. The Central Statistical Office has also completed a draft of the 2009 Labor Force Survey and may release it shortly. Once available, the survey will provide a more accurate picture of whether child labor is on the increase or going down.

COMMENT

Multiple sources confirmed that child labor in Zambia is a major issue that occurs in many sectors through the country. It is also clear that the Zambian government recognizes the problem as a priority area for action. The GRZ has dedicated limited budgetary and human resources to programs aimed at eradicating the worst forms of child labor and alleviating the pressures on families and caretakers that sometimes force

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them to send children out to work. Information and statistics on child labor referenced in this update are a good starting point for additional research and investigation, but they are far from precise. It is impossible at this point to make a definitive determination about the use of forced or exploitative child labor in the production of a particular good in Zambia. End comment.

KOPLOVSKY